

Amendment and Response

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Serial No.: 10/643,748

Confirmation No.: 4133

Filed: 19 August 2003

For: DENTAL ARTICLE FORMS AND METHODS

Amendments to the Drawings

The attached sheet includes Figure 1. This sheet is a new sheet to comply with 37 C.F.R. §1.81(c). No new matter has been added.

Attachment: New Sheet

Remarks

The Office Action mailed 23 February 2006 has been received and reviewed. Claims 1, 12, 16, 28, 34, 39, 42, and 44 having been amended, claims 10, 40, and 41 having been canceled, without prejudice, the pending claims are claims 1-9, 11-39, and 42-44. Support for the amendments can be found in Applicants' specification, for example, at page 4, lines 18-21, and page 12, lines 13-21. Reconsideration and withdrawal of the rejections are respectfully requested.

Drawings

The Examiner indicated that the subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Although it is clear such drawing is not required to facilitate understanding of the invention, a drawing is being submitted herewith to expedite prosecution. An amendment to the specification is also included herewith. Applicants respectfully request entry of the figure and amendment to the specification.

Obviousness-Type Double Patenting Rejection

Claims 1-44 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-78 of copending Application No. 10/219,398 in view of Neustadter et al. (U.S. Patent No. 3,656,387). Upon an indication of otherwise allowable subject matter and in the event this rejection is maintained, Applicants will provide an appropriate response.

The 35 U.S.C. §102 Rejection

The Examiner rejected claims 1, 2, 4, 5, 11, 16, 17, 22, 24, and 26 under 35 U.S.C. §102(b) as being anticipated by Neustadter et al. (U.S. Patent No. 3,565,387). This rejection is respectfully traversed. As admitted by the Examiner at page 4 of the Office Action, Neustadter et al. do not “show the use of a surfactant,” and do not “show a reservoir of material.”

The Examiner rejected claims 39 and 40 under 35 U.S.C. §102(b) as being anticipated by Simor (U.S. Patent No. 3,585,723). This rejection is respectfully traversed. Simor does not teach a dental article form comprising an organic composition having a surfactant system mixed therein.

The 35 U.S.C. §103 Rejection

The Examiner rejected claims 3, 28-33, 35, and 37 under 35 U.S.C. §103(a) as being unpatentable over Neustadter et al. (U.S. Patent No. 3,565,387). This rejection is respectfully traversed.

The Examiner rejected claims 6-9 and 18-21 under 35 U.S.C. §103(a) as being unpatentable over Neustadter et al. (U.S. Patent No. 3,565,387) in view of Wilson (U.S. Patent No. 5,487,663). This rejection is respectfully traversed.

The Examiner rejected claim 10 under 35 U.S.C. §103(a) as being unpatentable over Neustadter et al. (U.S. Patent No. 3,565,387) in view of Adair (U.S. Patent No. 4,431,420). This rejection is respectfully traversed.

The Examiner rejected claims 12, 23, and 34 under 35 U.S.C. §103(a) as being unpatentable over Neustadter et al. (U.S. Patent No. 3,565,387) in view of Pierson (U.S. Patent No. 5,951,294). This rejection is respectfully traversed.

The Examiner rejected claims 13, 14, 25, and 36 under 35 U.S.C. §103(a) as being unpatentable over Neustadter et al. (U.S. Patent No. 3,565,387) in view of Uthoff (U.S. Patent No. 5,102,332). This rejection is respectfully traversed.

The Examiner rejected claims 15, 27, and 38 under 35 U.S.C. §103(a) as being unpatentable over Neustadter et al. (U.S. Patent No. 3,565,387) in view of Kahn (U.S. Patent No. 3,949,476). This rejection is respectfully traversed.

The Examiner rejected claim 40 under 35 U.S.C. §103(a) as being unpatentable over Simor (U.S. Patent No. 3,585,723) in view of Kennedy (U.S. Patent No. 4,129,946). This rejection is respectfully traversed.

The Examiner rejected claims 41-44 under 35 U.S.C. §103(a) as being unpatentable over Simor (U.S. Patent No. 3,585,723) in view of Neustadter et al. (U.S. Patent No. 3,565,387). This rejection is respectfully traversed.

The Examiner rejected claims 1-44 under 35 U.S.C. §103(a) as being unpatentable over Karim et al. (U.S. Patent Publication No. 2003/0114553) in view of Neustadter et al. (U.S. Patent No. 3,565,387). This rejection is respectfully traversed.

None of the cited documents teaches a dental article form comprising an organic composition in the form of a self-supporting structure having a first shape and sufficient malleability to be formed into a second shape, wherein the organic composition comprises a surfactant system mixed therein, and wherein the dental article form comprises a reservoir that is capable of being filled with one or more hardenable dental materials and removed after at least partially hardening the dental material to form a dental article.

Adair is cited by the Examiner for the use of a surfactant, but in Adair the surfactant is painted on the form (see, e.g., column 8, lines 6-9), not mixed in the organic composition that forms the dental article form.

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Summary

It is respectfully submitted that the pending claims 1-9, 11-39, and 42-44 are in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted

By

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CERTIFICATE UNDER 37 CFR §1.10:

"Express Mail" mailing label number: EV 201 876 681 US

Date of Deposit: 11 May 2006

I hereby certify that the Transmittal Letter and the paper(s) and/or fee(s), as described hereinabove, are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR §1.10 on the date indicated above and is addressed to: **Mail Stop Amendment**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: Rachel Baglioni-Graham

Name: Rachel Baglioni-Graham

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